

REMARKS

Claims 59-76 remain pending in the present application. Claims 59, 66, 73 and 75 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Kalafut for the courtesies extended to him during the personal interview on November 15, 2006. During the interview, both Claims 59 and 73 were presented. The Examiner conceded that the claims appeared to distinguish over the art of record.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 59-61, 63, 66-68 and 70 under 35 U.S.C. §103(a) as being unpatentable over Schulz et al. (U.S. Patent No. 5,480,734) in view of Mita (U.S. Patent No. 5,456,994). Also, the Examiner has rejected Claims 62, 69 and 73-76 as being unpatentable over Schulz et al. in view of Mita further in view of Bae et al. (U.S. Patent No. 5,567,542). Additionally, he has rejected Claims 64, 65, 71 and 72 as being unpatentable over Schulz et al. in view of Mita further in view of Peled et al. (U.S. Patent No. 5,447,807).

As was discussed at the interview, Claims 59 and 73 were amended to further define that the method for cooling a cordless power tool including a battery pack, while in use, included operating the cordless power tool with the battery pack at a desired temperature to optimize performance. The Examiner conceded that the Schulz et al. reference failed to disclose or illustrate such a feature. As was pointed out, Schulz et al. illustrates cooling during charging. The Examiner's combinations fail to overcome the deficiencies of Schulz et al. Thus, Applicants believe Claims 59 and 73 to be

distinguishable over the art cited by the Examiner. Likewise, independent Claims 66 and 75 have been patterned after Claims 59 and 73. Accordingly, all pending claims, Claims 59-76, are believed to be patentably distinct over the art cited by the Examiner. Accordingly, Applicants respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact to undersigned at (248) 641-1600.

Respectfully submitted,

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